



Entered on Docket  
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321

Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTH OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifth Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.  
3 7274] (the “Objection”); with appropriate notice of the Objection having been given; no  
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general  
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9 Principal.
- 10 3. The remainder of those claims listed on **Exhibit A** are disallowed in  
11 full.

12  
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14  
15 **LEWIS AND ROCA LLP**

16 By /s/ Marvin Ruth (#10979)

17 Rob Charles  
18 John Hinderaker  
19 Marvin Ruth

20 3993 Howard Hughes Parkway, Ste. 600  
21 Las Vegas, Nevada 89169-5996

22 Telephone: (702) 949-8200

23 Facsimile: (702) 949-8398

24 *Attorneys for USACM Liquidating Trust*  
25  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

*Attorneys for USACM Liquidating Trust*

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Unremitted Principal to be Allowed as Claim</b>	<b>Approximate Amount Subject to Objection</b>
<b>10725-02537</b>	Albiol, Marcia C & Henry	Po Box 221356 Carmel, CA 93922-1356	50,000.00	12,285.97	37,714.03
<b>10725-02545</b>	Cadieux, Clara M & Richard L	1730 Terrace Heights LN Reno, NV 89523-1832	37,005.78	12,285.97	24,719.81
<b>10725-01030</b>	Dennis G Campton Md Psp Dtd 3/16/72	C/O Dennis G Campton Trustee 5741 Kens PL Pahrump, NV 89060-1751	59,209.25	19,657.56	39,551.69
<b>10725-01140</b>	William R & Cynthia J Godfrey Living Trust 2005	William & Cynthia Godfrey Ttees 7250 Birkland Ct Las Vegas, NV 89117	74,011.56	23,180.83	50,830.73
<b>10725-00355</b>	John & Janet Mrasz Trust Dtd 12/2/04	C/O John T & Janet F Mrasz Ttees 10015 Barling St Shadow Hills, CA 91040-1512	46,095.47	24,571.96	21,523.51
<b>10725-01305</b>	John B & Priscilla J Jaeger Family Trust	John B & Priscilla J Jaeger Trustees 2256 Hot Oak Ridge St Las Vegas, NV 89134-5520	247,050.00	24,571.96	222,478.04
<b>10725-01621</b>	Addes Trust	C/O Kenneth & Victoria Addes Ttees 100 W Broadway Apt 7V Long Beach, NY 11561-4019	86,511.56	24,571.96	61,939.60
<b>10725-01850</b>	Broadwalk Investments Limited Partnership	C/O James R Bonfiglio 8635 W Sahara Las Vegas, NV 89117-5858	75,464.72	24,571.96	50,892.76
<b>10725-02395</b>	Suarez, Tony	16 Bland St Emerson, NJ 07630-1154	82,956.06	24,571.96	58,384.10
<b>10725-02509</b>	Perrone, Nicholas	5112 San Anselmo St Las Vegas, NV 89120	781,454.00	24,571.96	756,882.04

**EXHIBIT A**